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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Rafe Patterson

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EXAMINER

BUTLER, MICHAEL E

ART UNIT

PAPER NUMBER

3653

MAIL DATE

DELIVERY MODE

10/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/501,058	Applicant(s) PATTERSON, RAFF	
	Examiner MICHAEL E. BUTLER	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 6-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Applicant's claim of priority as a national stage 371 application of application of PCT/Us03/00519 filed 1/9/02 which claims priority to provisional application 60/347057 filed 1/9/02.

Election/Restriction

2. Applicant's election of invention group I without traverse of the lack of unity requirement of 7/1/08 is acknowledged and made final.
3. Claims 6-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claim(s) 1 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Friel 3741413 which discloses all the claimed elements including:

(Re: cl 1) A carton storage medium comprising: a plurality of cartons 12 in collapsed condition (c2 L 25-27) disposed in an imbricated configuration (fig 4 & 6; c2 L 25-27).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim(s) 2-5 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Friel 3741413 in view of Heutshi 5221393 wherein the former discloses the elements previously discussed and the latter discloses any elements not inherently taught by the former including:

(Re: cl 2) wherein said plurality of cartons in collapsed condition are disposed in an imbricated coil (25 fig 4/6)

(Re: cl 3) further comprising means for stabilizing said imbricated configuration (1 fig 4/6)

(Re: cl 4) wherein said means for stabilizing said imbricated configuration comprises said plurality of cartons in collapsed condition disposed over a substantially flat elongated member (1 fig 4/6)

(Re: cl 5) wherein said substantially flat elongated member is selected from the group consisting of a tape, band or belt. (1 fig 4/6).

It would have been obvious at the time of the for Friel to place the cartons in an imbricated coil to facilitate continuous feeding onto a line as taught by Heutchl.

It would have been obvious at the time of the invention for Friel to stabilize the coil with a stabilizing element to keep the cartons in place during transport as taught by Heutchl.

It would have been obvious at the time of the invention for Friel to have the stabilizer comprised of a flat elongated member as a flat member will spread the and help keep the cartons flush against each other as taught by Heutchl.

It would have been obvious at the time of the invention for Friel to use a tape band or belt as the flat elongated stabilizing element as such a wrapping stabilizer can securely keep the cartons in place and lead the cartons off the coil during dispensing as taught by Heutchl.

8. Claim(s) 2-5 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Friel 3741413 in view of Honegger 4494359 wherein the former discloses the elements previously discussed and the latter discloses any elements not inherently taught by the former including:

(Re: cl 2) wherein said plurality of cartons in collapsed condition are disposed in an imbricated coil (31 fig 3)

(Re: cl 3) further comprising means for stabilizing said imbricated configuration (28 fig 3)

(Re: cl 4) wherein said means for stabilizing said imbricated configuration comprises said plurality of cartons in collapsed condition disposed over a substantially flat elongated member (28 fig 3)

(Re: cl 5) wherein said substantially flat elongated member is selected from the group consisting of a tape, band or belt. (28 fig 3)

It would have been obvious at the time of the for Friel to place the cartons in an imbricated coil to facilitate continuous feeding onto a line as taught by Honegger.

It would have been obvious at the time of the invention for Friel to stabilize the coil with a stabilizing element to keep the cartons in place during transport as taught by Honegger.

It would have been obvious at the time of the invention for Friel to have the stabilizer comprised of a flat elongated member as a flat member will spread the and help keep the cartons flush against each other as taught by Honegger.

It would have been obvious at the time of the invention for Friel to use a tape band or belt as the flat elongated stabilizing element as such a wrapping stabilizer can securely keep the cartons in place and lead the cartons off the coil during dispensing as taught by Honegger.

9. Claim(s) 3-5 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Friel 3741413 in view of Whig 3587843 wherein the former discloses the elements previously

discussed and the latter discloses any elements not inherently taught by the former including: -

(Re: cl 3) further comprising means for stabilizing said imbricated configuration (128/129 ; c7 L 26-34)

(Re: cl 4) wherein said means for stabilizing said imbricated configuration comprises said plurality of cartons in collapsed condition disposed over a substantially flat elongated member (128/129 ; c7 L 26-34)

(Re: cl 5) wherein said substantially flat elongated member is selected from the group consisting of a tape, band or belt. (128/129 ; c7 L 26-34).

It would have been obvious at the time of the for Friel to place the cartons in an imbricated coil to facilitate continuous feeding onto a line as taught by Honegger.

It would have been obvious at the time of the invention for Friel to stabilize the coil with a stabilizing element to keep the cartons in place during transport as taught by Whig.

It would have been obvious at the time of the invention for Friel to have the stabilizer comprised of a flat elongated member as a flat member will spread the and help keep the cartons flush against each other as taught by Whig.

It would have been obvious at the time of the invention for Friel to use a tape band or belt as the flat elongated stabilizing element as such a wrapping stabilizer can securely keep the cartons in place and lead the cartons off the coil during dispensing as taught by Whig.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. E. B./

Examiner, Art Unit 3653

/Patrick H. Mackey/

Supervisory Patent Examiner, Art Unit 3653